

**OFF-ROAD VEHICLE (ORV) TRAILS ADVISORY BOARD MEETING**  
**Holiday Inn Lansing South**  
**6820 South Cedar Street**  
**Lansing, Michigan**  
**November 10, 2004**

**Chairman Ranney** called the meeting of the Off-Road Vehicle Trails Advisory Board to order at 6:35 p.m. on Wednesday, November 10, 2004 in Lansing, Michigan.

**Members Present:**

Dick Ranney, Chair  
Glenn Moll, Vice Chair  
Marlia Dielman  
Jason Dinsmore

**Staff Present:**

Steve Kubisiak, Forest, Mineral and Fire Management (FMFM), Lansing  
Richard Kennedy, FMFM, Lansing  
Larry Pedersen, FMFM, Lansing  
Lieutenant Creig Grey, Law Enforcement Division (LED), Lansing  
Lieutenant Walter Mikula, LED, Roscommon  
Pete Lundborg, Silver Lake State Park  
Deborah Apostol, Grants, Contracts and Customer Systems

**USDA Forest Service Staff Present:**

Rose Ingram, Huron-Manistee National Forest, Cadillac

**Minutes**

Acknowledged Minutes of the August 11, 2004 ORV Trails Advisory Board Meeting.

**Mr. Dinsmore made a motion, supported by Mr. Moll, to accept the minutes of the August 11, 2004 Off-Road Vehicle Trails Advisory Board Meeting. Motion unanimously carried.**

**OLD BUSINESS**

**Hiawatha National Forest Trail Proposal** – **Mr. Moll** reported the Haywire and Coalwood grades total 51 miles of route, 30 of which are on National Forest lands. This route has become a main artery for off-road use. It has been groomed for snowmobile use for many years and has seen a tremendous increase in use by ORVs (particularly ATVs) over the past few years. It can be accessed at numerous points: Manistique, Jack Pine Lodge, Steuben, Shingleton, Wetmore and Munising. He said the demographic has changed over the past decade and this type of point to point, linear trail is what a significant segment of the ORV user group is looking for. It came up at least 6 times in comments at the October 14, Marquette ORV planning meeting.

**Mr. Moll** stated designation of this route as part of the State designated ORV system will enable local Sheriff Departments to apply for law enforcement grant money. Currently we are spending funds on damage restoration due to illegal use. Prevention of this illegal use with increased law enforcement is a more proactive way to protect the resource.

**Mr. Moll** said that designation of this route as part of the State ORV system elevates priority of keeping that portion on Federal lands open for ORV use in their forest plan review process. It's an added layer of protection.

**Mr. Moll** said the snowmobile groups are strongly in support of this designation.

**Mr. Moll made a motion, supported by Mr. Dinsmore that the Advisory Board recommends the Haywire and Coalwood grades become designated as State ORV Trails; that this designation include development of a Memorandum of Understanding, outlining the responsibilities between the Forest Service and Department of Natural Resources; and that this motion not be construed as a precedent for future recommendations. Motion unanimously carried.**

**ORV Plan Update** – **Mr. Kubisiak** distributed and highlighted an ORV planning update prepared by Dr. Nelson. A draft plan will be presented to the Board in February, 2005. The update is posted on the DNR website. **Mr. Ranney** complimented Dr. Nelson and said the public meetings were well attended by ORV enthusiasts, and thanked them for their participation.

**Michigan's Off-Road Vehicle Guide** -- **Lieutenant Grey** reported the Department is editing the guide with an eye toward removing the legal-ease and making it easier to understand. He said the guide will have a new look and brand recognition similar to other DNR publications. The guide is under review with the Forest Service. He highlighted the Department's publication review and approval process. Executive Directives must be addressed relating to printing justification and contracting. **Mr. Ranney** asked if the public would have an opportunity to provide input. Public comments may be provided to Mr. Kubisiak.

**ORV Safety Education Program Update** -- **Lieutenant Grey** reported that as of November 1, 2004, 137 classes have been offered and 1626 students trained. **Chairman Ranney** said that is a drop of nearly 50% from last year and expressed concern with the program. **Lt. Grey** noted the program is in transition and that the training figures are not final. The Department is in the process of requesting the Administrative Rules be rescinded.

**Lt. Grey** reported that based on review by legal council the Department has determined that non-profit organizations are not eligible for grants. **Chairman Ranney** suggested the Department seek an Attorney General opinion regarding grant sponsor eligibility. **Lt. Grey** said he did not believe that was necessary and that a legislative change is needed in order for non-profit organizations to be eligible. **Ms. Dielmen** asked if the Department is opposed to non-profit organizations providing training. **Lt. Grey** said he could not speak for the Department at this time. Discussion ensued.

**Chairman Ranney** expressed concern with typographical errors in the training manual and believes it cannot be used for both motorcycles and ATVs. **Lt. Grey** stated the basic goal of the safety education program is rider safety and not to teach how to ride. The Department will not be providing a hands-on riding program. **Chairman Ranney** believes that a hands-on riding program is essential for both motorcycles and ATVs.

**Chairman Ranney** stated some counties are charging more than \$25 per student and requested a list of grant recipients, what they are teaching and how much they are charging each student. He requested trainer certification criteria.

## **NEW BUSINESS**

**Forest Certification** – **Mr. Larry Pedersen** distributed a handout and highlighted the forest certification program. He reviewed background and enabling legislation and noted Michigan is seeking dual certification through the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI). 2004 PA 125 requires certification of State Forests by 2006 and to report on the appropriateness of certifying other DNR lands by May, 2005. Discussion ensued and Mr. Pedersen

answered questions. More information and updates are available on the web at [www.michigan.gov/dnr](http://www.michigan.gov/dnr), search "forest certification". **Chairman Ranney** thanked Mr. Pedersen.

**ORV Grants – Mr. Kubisiak** referred the Board to the list of staff recommendations in their packets. He highlighted the review process and noted the recommendations are based on the grant evaluation criteria established for the program. He said the recommendations are being presented to the Board for information and comment, and said he would be happy to address questions. **Mr. Kubisiak** addressed questions from the Board.

**Chairman Ranney** expressed concern with Forest Service salaries and wages for trail maintenance and noted the costs exceed the per mile rate established for the program. **Mr. Kubisiak** explained this request would allow the Forest Service to hire seasonal workers to perform on-going maintenance throughout the riding season that goes beyond the typical scope of work completed by the clubs. For example: trail reroutes, enhanced signing, brushing, clearing, erosion control, trailhead maintenance and grading.

**Chairman Ranney** requested an accounting of the current balance in the ORV Fund. **Mr. Kubisiak** said he would provide the information to them.

**Mr. Dinsmore made a motion, supported by Ms. Dielman, to accept staff recommendations. Motion unanimously carried.**

**Deborah Apostol**, Grants, Contracts and Customer Systems, reported her section administers a number of grant programs for the Department including: The Michigan Natural Resource Trust Fund, the Land and Water Conservation Fund, Snowmobile, Inland Fisheries, ORV Enforcement, ORV Trails and ORV Safety Education. She explained how her section interfaces with Law Enforcement and resource divisions, and reviewed administrative procedures and functions. **Chairman Ranney** thanked Ms. Apostol.

## **STAFF REPORTS**

### **FOREST, MINERAL AND FIRE MANAGEMENT**

**Gladwin ORV Trail - Mr. Kubisiak** distributed a summary of work needs, cost estimates and project status for the Gladwin ORV trail. He said this information is being provided per their request at the last meeting and apologized for the delay. He noted two projects on the middle loop were completed in October and that all other projects are on hold. He reported a conference call with Field Managers is scheduled later in the month to discuss management alternatives.

## **COMMITTEE REPORTS**

**Chairman Ranney** reported House Joint Resolution Z passed the House and is expected to go to a vote in the Senate. This resolution would create a Michigan Conservation and Recreation Legacy Fund that would provide constitutional protection for a number of restricted funds administered by the Department, including the ORV Trail Improvement Fund. He suggested the public contact their Legislators to urge their support on this resolution. If supported, the proposal will go before voters at the 2006 general election. **Chairman Ranney** noted the resolution has Department support.

**Chairmen Ranney** reported Ogemaw County passed an ordinance that will permit ORV operation on certain county roads north of M-55. It will become effective January 1, 2005 and will be implemented on a one-year trial basis. It will require annual renewal. He noted that not all Townships are participating and urged riders to become knowledgeable of local restrictions.

## **PUBLIC APPEARANCE**

**Thomas Dunn, American Motorcyclist Association (AMA), District 14, Enduro Co-Chairman, Lansing** voiced support for House Joint Resolution Z. He said he would be happy to help anyone locate their Legislator. More information can be found on the AMA web site under direct links.

**Mark Smith, ASI Instructor, Durand** is critical of the ORV Safety Education Program and believes that hands-on riding should be part of the curriculum. He believes Instructors should know how to ride and should be certified to teach the course. He referenced a Detroit Free Press article that reported, according to the Consumer Product Safety Commission, 224 ATV related deaths have occurred in Michigan over the past 18 years.

**Brian Yinger, ATV Instructor, Dearborn** is critical of the ORV Safety Education Program. He asked if the Department has filed a request to rescind or request a rule change from the Office of Regulatory Reform. He believes the DNR is bound by the Administrative Rules that were promulgated by the Department of Education. He believes an Attorney General opinion is needed.

**Tom Craig, ATV Off-Road Club of Michigan, Warren** is critical of the ORV Safety Education Program and believes the program is in a worse situation than when it was administered by the Department of Education. He believes hands-on riding should be part of the curriculum. He suggested that information about the ORV Trails Advisory Board, and a notation that the trails are maintained by volunteer groups, be included in the Off-Road Vehicle Guide.

**Bill Gilbert, Michigan ATV Safety Association (MASA), Burton** said he agrees with Lt. Grey that the ORV Guide should be simplified. He asked if there is a law or procedure that the DNR must follow in order to certify instructors, and asked what procedures were used to certify the 200 instructors currently in the program.

**Paul Mulder, Great Lakes Four Wheel Drive Association, Harrison** expressed concern with ORV program operation and staff funding. He believes the public should have an opportunity to review the budget and grant recommendations. He does not believe the DNR cares about the ORV program and feels the program needs attention by the Natural Resources Commission, legislative change or legal action.

**Scott Cadwell, Legislative Officer, Twin Bay Trail Riders** expressed concern that recreation interests are not represented on the Forest Certification team. He feels recreation will get short changed. He expressed concern that the USDA Forest Service receives more funding for trail maintenance than other trail maintenance sponsors. He believes funding of seasonal staff through the ORV grant program is inappropriate and said there is a great disparity of grant dollars being spent to maintain trails on Federal verses State lands.

**Walt Mikula** reported he attended the ORV Public Input Meeting in Grayling. He believes forest compartments scheduled for clear-cutting have potential for ORV use. He encouraged the users to submit suggestions to the Board regarding potential areas for operation. He said Conservation Officers do not normally enforce local ordinances and local ordinances opening county roads to ORVs would be enforced by local police and Sheriff's Departments. He is supportive of trail emergency response signs and acknowledged Tom Gallagher who outlined a proposal for Roscommon County. He noted Mr. Rondeau is working on legislation to modify the ORV Act.

**Scott Stap, ORV Instructor, Bancroft** said he has been teaching ATV rider safety since 1982. He is also an Off-Highway Motorcycle (OHM) Safety Instructor. He is critical of the ORV Safety Education

Program and believes hands-on riding should be part of the curriculum. He believes there are errors in the training manual and that there are inconsistencies in how the ORV law is enforced.

**Bill Chapin, Cycle Conservation Club of Michigan, Rives Junction** reported the Department of State Police, in cooperation with the DNR shall collect and evaluate information concerning accidents involving ORVs. He cited MCL 324.81143. He reported his organization has trained 700 to 1000 kids each year since 1993. He said his organization is committed to the off-road motorcycle training program and will continue to use a hands-on program. He is working to change the law to allow non-profit organizations to be eligible to receive grant funding assistance. He said his organization has not been officially notified in writing by the Department regarding grant eligibility.

**Mr. Moll made a motion, seconded by Mr. Dinsmore, to adjourn. Motion unanimously carried.**

The meeting adjourned at 8:51 p.m.

### **Next Meeting**

February 9, 2005, Lansing Holiday Inn-South, 6820 South Cedar Street, Lansing, Michigan

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### **Public Present:**

Brian Yinger  
Bill Gilbert, Michigan ATV Safety  
Association (MASA)  
Hal Folk, Cycle Conservation Club of  
Michigan (CCC)  
Tom Gallagher, Michigan Recreation  
Vehicle Riders Association  
Scott Step  
Marc D. Smith  
Bill Chapin, CCC  
Pat Kinne, Great Lakes 4 Wheel Drive  
Association (GLFWDA)  
Tom Craig, ATV Off-Road Club of Michigan  
Thomas Dunn, American Motorcycle  
Association (AMA), District 14 & Lansing  
Motorcycle Club (LMC)  
Pete LundBorg, Silver Lake State Park,  
DNR

Michael Apostol  
Wayne Rynbrand, Rustbelt 4x4 Trailriders  
Association  
Sandy Flegel, Rustbelt 4x4 Trailrider  
Association  
John Boom Two Tracker 4WD Club, Grand  
Rapids  
Scott Miller, Two Tracker 4WD Club, Grand  
Rapids  
Greg Yager, CCC  
R. Scott Cadwell, Twin Bay Trail Riders,  
Incorporated  
Duc Duong, Two Tracker 4WD Club  
Mike VanEch, Two Tracker 4WD Club  
Bruce Menning, GLFWDA  
Brian Butsma, Two Tracker 4WD Club  
Chuck Smith, ATV Off-Road Club